Application No.	Applicant(s)	,
10/789,293	HARICHIAN ET AL.	
Examiner	Art Unit	
SHELLEY A. DODSON	1616	
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6. ⊠ Interview Summary Paper No./Mail Da 7. ⊠ Examiner's Amendr	(PTO-413), te ment/Comment ant of Reasons for Allowance SHELLBY A. DOSON	
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### **DETAILED ACTION**

1.

Claims 1-20 are pending in this application filed February 27, 2004.

Applicant's claims are directed towards skin lightening agents, compositions and methods.

#### Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-14, drawn to cosmetic compositions and method of use, classified in class 424, subclass 59.
- II. Claims 15-20, drawn to carboxylic acid or ester, classified in class 562, subclass 471 and class 560, subclass 61.

2.

The inventions are independent or distinct, each from the other because:

Inventions II and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different

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product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case the process of using the product can be practiced with another materially different product such as a hydroquinone compound or a coumarin derivative

3.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

4.

During a telephone conversation with Edward Squillante on June 18, 2007 a provisional election was made with traverse to prosecute the invention of Group 1, claims 1-14. Affirmation of this election must be made by applicant in replying to this Office action. Claims 15-20 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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### **EXAMINER'S AMENDMENT**

6.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward Squillante on June 18, 2007.

The application has been amended as follows:

# IN THE CLAIMS

Cancel claims 15-20 directed toward the non-elected invention.

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## Information Disclosure Statement

7.

The information disclosure statements (IDS) submitted on February 27, 2004 and October 13, 2005 were noted and the submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statements.

### Telephone Inquiries

8.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHELLEY A. DODSON whose telephone number is (571) 272-0612. The examiner can normally be reached from 7:30 AM to 4:00 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter, can be reached at 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Shelley A. Dodson

Primary Patent Examiner Technology Center 1600